

the said commissioners court shall require a new bond meeting fully the requirements of this law. The commissioners court shall at any time it may deem necessary for the protection of the county, investigate and inquire into the solvency of any surety company or companies issuing a bond or bonds for any depository, and to investigate the value of any of the securities that may be pledged by such depository in lieu of the personal bond; and such commissioners court may request any such depository if it deem advisable, to execute a new bond. If said new bond required by the commissioners court for any reason as herein specified be not filed within five (5) days from the time of the service of a copy of said order upon said depository, the commissioners court may proceed to the selection of another depository in the same manner as provided for the selection of a depository at the regular time for such selection. Nothing in this law shall in any manner limit, restrict or prevent the commissioners court from requiring any depository to execute a new bond at any time such commissioners court may deem it necessary for the protection of the county.

Sec. 2. The fact that Article 2547, Revised Civil Statutes of Texas, 1925, as amended, Acts of the Forty-first Legislature, and as further amended by Senate Bill 153, Acts of the Regular Session of the Forty-third Legislature, requiring depositories to make bonds in an amount equal to the total amount of revenues for such county for the next preceding year, impose on the depository an unjust and oppressive burden, as very small portions of said revenues are ever collected and on deposit in the depository at any given date; and the further fact that surety companies are reluctant and frequently refuse to execute such bonds, and that in times of depression there is little unencumbered real estate in many counties in Texas so that it is practically impossible to have a legal bond executed by any depository in the State for county funds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall be in force

and take effect from and after its passage, and it is so enacted.

FIFTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
March 28, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodruff:

S. B. No. 481, A bill to be entitled "An Act releasing the liens held by the several counties of the State, evidenced by vendor's lien notes, deeds of trust, or other memorandum of record heretofore retained by said counties to secure the payment of all purchase money for school lands purchased from said counties, and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

By Senator Woodruff:

S. B. No. 482, A bill to be entitled "An Act regulating the taking of fish and other aquatic life from the waters of navigable streams in Palo Pinto and Parker Counties, prescribing who should be entitled to ingress and egress to and from said streams for said purpose, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Parr:

S. B. No. 483, A bill to be entitled "An Act providing for the creation of water supply districts pursuant to Section 59, Article 16, of the Constitution, etc., and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senator Neal:

S. B. No. 484, A bill to be entitled "An Act to create Road District Number Four (4), of Shelby County, Texas, validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district, dated October 10, 1923, and numbered, respectively, from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment, and collection of general ad valorem taxes, on all taxable property in said road district; approving and validating all orders of the commissioners court of said county, in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and to amend and construe existing laws; to repeal all laws, general and special, inconsistent herewith, and to prohibit the county commissioners court, tax assessor, tax collector and treasurer from levying, assessing, collecting or receiving into the treasury any money levied, assessed or collected for the purpose of paying any bonds of said district or purported bonds thereof, other

than those specifically validated herein."

Read and referred to Committee on State Highways and Motor Traffic.

By Senator Duggan:

S. B. No. 485, A bill to be entitled "An Act to authorize any county in this State, whose population according to the last preceding United States census did not exceed fifteen thousand, having at the time of the passage of this Act, any claim for money against any person, partnership, corporation, joint stock or other association, and whose claim shall amount to at least fifty per cent of all the claims against such debtor, to purchase the property of such debtor or debtors, at any sale made within two years from the date this Act shall become effective under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, whenever the commissioners court of said county shall be of the opinion that it is necessary or advisable so to do to protect the interest of the county, for such price as the commissioners court may deem advisable for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; further authorizing the commissioners court of such county to borrow money on the credit of the county, and to execute or cause to be executed the obligations of the county, therefor, for the purpose of making such purchases; and further authorizing such county to pledge, hypothecate or mortgage any property so purchased to secure the payment of all sums so borrowed; giving and granting to the commissioners court full power and authority to determine upon what terms, for what length of time, and at what rate of interest said sums shall be borrowed; further authorizing said commissioners court to liquidate all assets so purchased for the use and benefit of the county in any manner that a private individual might liquidate such assets, to sell and convey all or any part of such property so acquired, either for cash or upon credit, for such length of time and at such rate of interest as it may deem advisable, and to sue upon any obligations so acquired or contracted

to be paid to such county; further authorizing the commissioners court to pay the necessary cost and expense incurred in connection therewith from such property or the proceeds thereof; further provided that the net proceeds received by the county from such liquidation shall be paid into the respective funds of the county to which such claim originally belonged pro-rata; suspending all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on S. C. R. No. 12, by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 327 by a vote of 117 yeas, 0 nays.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. C. R. No. 12. The following are conferees on the part of the House:

Townsend, McGregor, Graves, Jones of Atascosa, Head.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 22, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 164, A bill to be entitled "An Act to repeal Article 794, Penal Code of the Revised Statutes which provides that the operators of motor vehicles in passing each other on the State highways shall slow down their speed to fifteen miles per hour, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Simple Resolution No. 75.

Senator Cousins sent up the following resolution:

Whereas, Conditions in this State

are such that many persons otherwise lucratively employed are out of work and have been for some time; and,

Whereas, The Federal government has in the past by Act of Congress provided funds for unemployment and same have been administered through the Reconstruction Finance Corporation; and,

Whereas, It has been proposed by the President that an amount approximating \$500,000,000.00 be provided to continue the relief of unemployment; and,

Whereas, It seems desirable that if such appropriation is made that it be spent for more permanent work than has been the case in the past; and,

Whereas, It has been determined by competent authorities that between eighty-five per cent and ninety per cent of every dollar spent for roads goes to labor; therefore, be it

Resolved, That the members of Congress from Texas be petitioned to use their influence to secure all of the funds reasonable to the end that the money will be expended for a useful purpose which will be used in aiding the country to recover and will make the country richer and a more attractive place in which to live and that said funds be expended through the Highway Department and that in the end, however badly we regret having to donate money for the support of the dependent, the money given to the Reconstruction Finance will be used to make the country better, bigger and richer and be it resolved that a copy of this be mailed to our Senators and Congressmen.

COUSINS.

The resolution was read.

Senator Cousins moved to suspend the rule requiring resolutions to be referred before consideration.

Senator Holbrook moved as a substitute to refer the resolution to the Committee on Federal Relations. The substitute motion prevailed.

S. C. R. No. 35.

Senator Neal sent up the following resolution:

Memorializing the Congress of the United States to ratify the treaties now pending before it relating to the adherence of the United States to the World Court.

Whereas, The present economic

disturbance in this country and throughout the rest of the world is directly related to the late war and to the present lack of international confidence; and,

Whereas, The completion of the adherence of the United States to the World Court, as one practicable substitute for war, would be a stabilizing influence in world affairs; and,

Whereas, The Senate of the United States now has before it three treaties, already signed by executive authority, which, when ratified will complete the adherence of the United States to the World Court; and,

Whereas, Both the Republican and the Democratic Parties endorsed the completion of our adherence to the Court under the pending treaties, in their platforms of last June; and,

Whereas, President Franklin Roosevelt is entitled to the influence of every individual and every agency in the government looking toward stabilizing social, political and economic conditions; and,

Whereas, The five conditions laid down by the Senate of the United States in 1926 are now, in the judgment of the Department of State and of such authoritative groups as the American Bar Association, the Texas Bar Association and the legislatures of various states, fully met by the three pending treaties which, when ratified, will complete our entry into the World Court; and,

Whereas, Both Texas Senators have expressed the conviction that the United States should complete its entry into the Court; and,

Whereas, It would strengthen their hands, if the Texas Legislature were to go on record in the matter; therefore, be it

Resolved, That the Texas State Senate, the House of Representatives concurring, hereby urges the Senate of the United States to ratify the three pending World Court treaties at the earliest practicable time; and be it further

Resolved, That copies of this resolution be sent to Senators Sheppard and Connally of this State, with the request that it be read into the Congressional Record.

NEAL.

Read and referred to Committee on Federal Relations.

Senate Bill No. 203.

Senator Woodul called up the motion spread on the Journal to re-

consider the vote by which S. B. No. 203 was finally passed.

The motion prevailed.

Senator DeBerry asked to be recorded as voting "No."

The bill was finally passed by the following vote:

Yeas—23.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.
Parr.	

Nays—8.

Beck.	Oneal.
DeBerry.	Pace.
Hornsby.	Woodruff.
Murphy.	Woodward.

Senate Bill No. 472.

Senator Holbrook received unanimous consent to suspend the regular order of business and take up the following bill:

By Senator Holbrook:

S. B. No. 472, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1933, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students, and declaring an emergency."

Read second time.

Senator Holbrook sent up the following amendment:

Amend Section One of Senate Bill Number 472 by including an appropriation of Sixty-five Hundred Dollars (\$6,500) for the College of Mines and Metallurgy at El Paso, Texas, and increasing the total amount of appropriations to Three Hundred Seventy-four Thousand Seven Hundred Fifty Dollars (\$374,750.00).

HOLBROOK.

Read and adopted.

The bill was passed to engrossment.

Senator Martin asked to be recorded as voting "No."

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 472 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parrr.	

Nays—4.

Collie.	Martin.
DeBerry.	Moore.

Absent.

Pace.	Regan.
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Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 164.
H. B. No. 327.

Senate Bill No. 99.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senator Holbrook:

S. B. No. 99, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1933, and ending August 31, 1935, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; Dallas State Hospital; Deaf, Dumb, and Blind Institute for Colored Youths; Girls' Training School; Home of Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphan Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Colored Orphans' Home at Gilmer; Alabama and Coushatti Indians in Polk County, Texas; Texas School for the Blind; and Texas School for the Deaf; and declaring an emergency."

Read second time.

The Chair substituted for S. B. No. 99 the following House bill on the same subject:

By Mr. Harman:

H. B. No. 169, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, September 1, 1933, to August 31, 1935, inclusive, etc., and declaring an emergency."

The committee substitute for S. B. No. 99 was adopted by the following vote:

Yeas—25.

Beck.	Fellbaum.
Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
Duggan.	Hornsby.

Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Parr.	Woodruff.
Purl.	Woodul.
Redditt.	Woodward.
Regan.	

Nays—3.

DeBerry.	Poage.
Martin.	

Absent.

Pace.	Rawlings.
Patton.	

Read second time.

Senator Holbrook sent up the following amendments:

Corrective Amendments.

(1)

Page 5, Line 41—Strike out the following: "(A)—Salaries for repairs."

(2)

Page 6, Line 18, Items 15—Change \$1160 to \$720.

(3)

Page 6, Line 33, Item 27—Change amounts to \$600.00 for each year.

(4)

Page 7—Insert between lines 18 and 19 a new item as follows: 60 Support and maintenance additional on account of new building \$2,500.00—\$7,500.00.

(5)

Page 9, Line 13, Item 54—Strike out the following: "(Concrete Roof in 1932)."

(6)

Page 13—Insert between lines 20 and 21 a new item as follows: 14. Laundry Supervisor \$540.00—\$540.00.

(7)

Page 13, Line 61—Strike out the figures \$1200.00 for the second year.

(8)

Page 16, Line 46, Item 81—Strike out "Hospital repair" and insert the words "sidewalks and paving."

(9)

Page 17, Line 6, Item 5—Strike out—\$69120—\$69120, and insert—\$69920—\$69920.

(10)

Page 17, Line 39, Item 32—Strike out entire item and insert the following: 32. Laundresses, Ten—none to exceed \$35.00 per month—\$4,200.00—\$4,200.00.

(11)

Page 20, Line 22, Item 88—Strike out \$5,000.00 for the second year only.

(12)

Page 20, Line 45, Item 4—Add the word "board" after the word "room."

(13)

Page 21, Line 59, Item 71a—Strike out "\$8000" for the first year only.

(14)

Page 24, Line 45, Item 47—Strike out \$1080.00 for each year and insert \$900.00 for each year.

(15)

Page 24, Line 61, Item 60—Strike out \$810.00 for each year and insert \$600.00 for each year.

(16)

Page 25, Line 35, Item 4—Strike out \$1877.50 for each year and insert in lieu thereof \$877.50 for each year.

(17)

Pages 26 and 27—Strike out items 48 to 68 inclusive and insert the following:

47. General Maintenance and Miscellaneous items provided the institutional authorities, in making expenditures from this item, shall be governed as nearly as practicable by the recommendations of the Board of Control in the biennial budget for the two years ending August 31, 1935, covering general maintenance and miscellaneous items, and provided that a record shall be kept of expenditures as to each department and submitted in the succeeding budget report to the Board of Control \$39,865.00—\$39,865.00.

HOLBROOK.

Read and adopted.

Senator Sanderford sent up the following amendment:

Amend committee substitute for H. B. No. 169 by inserting after line 55, page 27, the following:

Engineer assistant with board of months — \$360.00 for 1934 — \$360.00 for 1935.

SANDERFORD.

Read and adopted.

Senator Woodward sent up the following amendment:

Amend committee substitute for H. B. No. 169 by inserting after the word "with" line 38, page 31 the following:

"Nothing herein contained shall be construed as to prohibit two members of the same family from being employed at the State Tubercular Sanatorium where neither receive more than \$125.00 per month salary, any law to the contrary notwithstanding."

WOODWARD.

Read and adopted.

Senator Collie asked to be recorded as voting "No."

Senator Moore sent up the following amendment:

Amend committee substitute to H. B. No. 169 as follows:

By adding a new paragraph to Section 3, page 31 as follows:

"It is specifically provided that no Superintendent or other officer or employee employed on a twelve months or a full time basis and whose salary exceeds twelve hundred (\$1200.00) dollars per year shall be permitted to operate any private business or follow any private professional practice while in the employ of the State."

MOORE.

Read and adopted.

Senator Hornsby sent up the following amendment:

Amend committee substitute for H. B. No. 169.

Amend said bill by striking out the figures \$600.00 in line 63 on page 27 of said bill and insert \$900.00 in lieu thereof in both columns.

HORNSBY.

Read and adopted.

Senators DeBerry and Collie asked to be recorded as voting "No."

The bill was passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 169 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time.

Senator Neal sent up the following amendment:

Amend committee substitute for H. B. No. 169 by striking out on page 28 all of lines 41, 42 and 43, and inserting in lieu thereof the following: "Teachers of the above institution shall be employed by the superintendent of the institution and approved by the Board of Control at not exceeding the above maximums."

NEAL.

Read and adopted by unanimous consent.

The bill was finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Mart'n.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 234.

Senator Holbrook asked to take up S. B. No. 234.

Senator Purl raised the point of order that this was not a general appropriation bill and therefore was not entitled to precedence over the regular order of business.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senate Bill No. 96.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 96, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

The committee substitute was adopted.

Read second time.

Senator Holbrook sent up the following amendments:

Amend the committee substitute to S. B. No. 96, on page 13, line 58, item 41, by striking out the figures \$600.00 and inserting in lieu thereof, \$1200.00 for each year.

HOLBROOK.

Read and adopted.

Amendment.

Amend the committee substitute for Senate Bill No. 96, by adding after the line showing the grand totals of appropriations for the State Highway Department, the following:

For the purpose of having the State Highway Fund bear its part of the just charges and expenses of other departments and agencies of the government which furnish supplies and perform certain duties and other valuable functions connected with the administration of State Highway Department matters, there is hereby appropriated out of the State Highway Fund, for each of the fiscal years ending August 1, 1935, the sum of \$30,000 to cover certain salaries, parts of salaries, traveling expenses and other items which are already listed and item-

ized in the appropriation for the Attorney General's Department, the State Board of Control, the State Comptroller and the State Treasurer, and which amount herein appropriated also covers the cost of furnishing heat, water, and power included in the maintenance and miscellaneous appropriations division of the State Board of Control for the purpose of having said Highway Fund bear its part of the just charges and expenses of the State Auditor's Department in auditing the Highway Department, there is also appropriated out of the State Highway Fund the sum of not exceeding \$7,500 for each of said years to apply on the itemized appropriations hereinabove listed and itemized in the appropriations for the State Auditor. The State Comptroller and State Treasurer are hereby authorized and directed to transfer the amounts herein appropriated from the State Highway Fund to the General Revenue Fund, either annually or semi-annually at any time during each of said fiscal years.

HOLBROOK.

The amendment was read.

Senate Bill No. 490.

Senator Fellbaum called up the motion spread on the Journal to reconsider the vote by which S. B. No. 490 was finally passed.

Senator Fellbaum moved to table the motion to reconsider. The motion to table prevailed.

Recess.

On motion of Senator Greer, the Senate, at 12:05 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.**Petitions and Memorials.**

(Letter.)

The Fourth Assistant Postmaster General.

Washington, March 25, 1933.

My Dear Mr. Secretary:

Your letter transmitting to me the House Concurrent Resolution of the Texas Legislature, congratulating the President, Postmaster General, the State of Texas and the Democratic Party, upon my appointment as

Fourth Assistant Postmaster General, has been received.

It did my heart good to know my friends in the Texas Legislature were pleased at my appointment. The happiest days of my life were passed at the press tables in the Texas Legislature, and the most choice friends in my circle are those whom I first met at their duties in behalf of the people of Texas in the halls of the Texas Legislature.

For the past several years I have been traveling over the United States, frequently visiting State Legislatures and Assemblies, and nowhere have I found a higher type of men and women than those who are now serving, and have served, the people of Texas in its Legislature. I congratulate the people of Texas on the present high personnel of its Legislature.

With the kindest regards to the Honorable Edgar E. Witt, your distinguished presiding officer, and to my many personal friends in the Senate, I am

Sincerely,

SILLIMAN EVANS.

Honorable Bob Barker,
Secretary of the Senate,
Texas Legislature,
Austin, Texas.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Enrolled Bills have had S. B. No. 164 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 472 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 436 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 438 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 80 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 85 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had had S. B. No. 92 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 419, A bill to be entitled "An Act to provide for the repurchase of land set apart to build the Capitol that has been recovered by the State and appropriated to the Public Free School Fund, and heretofore purchased from the State, and forfeited or that should be forfeited for non-payment of interest accrued prior to November 1, 1932, the owner of such land or part thereof at the date of forfeiture shall have a preference right for a period of ninety (90) days after the date of notice of revaluation of such land to repurchase the same upon the terms and conditions provided in Chapter 94,

page 267, Acts of 1925, as amended by the Act of 1926, 39th Legislature, First Called Session, page 43, Chapter 25; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

WOODRUFF, Chairman.

Committee Amendment.

Amend S. B. No. 419 by inserting after the word "forfeited" in line No. 3 of Section 1, the following:
"or may hereafter be forfeited"

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 225, A bill to be entitled "An Act amending Sub-section 8, Chapter 40, General and Special Laws, 42nd Legislature, Second Called Session, being an Act 'Providing for development of State owned river beds for oil and gas purposes,' by re-appropriating for the purpose therein set out the unexpended balance of the specific appropriation contained in Sub-section 8 of said Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 99, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas, to deed, convey, assign and/or transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas in and to that tract of land known as the 26.5 acre Park Site situated near Con Can Post

Office in Uvalde County, Texas, to A. B. Mayhew; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred

S. B. No. 249, A bill to be entitled "An Act to authorize the issuance of corrected letters patent in lieu of Letters Patent No. 521, Volume 33, issued November 14, 1876, to the Texas & Pacific Railroad Company, upon filing corrected field notes; to authorize cancellation of original Letters Patent No. 521, Volume 33; to quiet title to said land; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 218, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amount of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, printed Acts of the 2nd Called Session of the 36th Legislature and the amendment thereof by the 1st Called Session of the 37th Legislature, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

WOODRUFF, Chairman.

Committee Amendment.

Amend House Bill No. 218 by striking out everything below the

enacting clause, and in lieu thereof substitute the following:

Section 1. It shall be the duty of the Commissioner of the General Land Office to ascertain and determine the amounts of bonus and rental due the State and by whom due as a result of the execution of oil and gas leases by owners of the soil as agents of the State under the provisions of the Relinquishment Act. The term "Relinquishment Act," as used in this Act, refers to and includes Chapter 81, Printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof enacted by the First Called Session of the Thirty-seventh Legislature.

Sec. 2. When the Land Commissioner has ascertained and determined the amounts due the State and by whom due, as in Section 1 of this Act provided, the debtor shall pay said debt in cash; or if unable to pay said debt in cash, the debtor shall file with the Land Commissioner an affidavit to the effect that such debtor is unable to pay such debt in cash, and the debtor upon the filing of such affidavit shall pay one-twentieth ($1/20$) of the amount in cash and make and execute an obligation to the State for the balance due, which obligation shall provide for the payment of such balance in twenty (20) equal annual payments, the first of which shall be due and payable one (1) year after the date of such obligation and a similar payment each year thereafter until the twenty deferred annual payments have been made. The obligation shall be in the form of a promissory note and shall bear interest at the rate of four per cent (4%) per annum, and such interest shall be payable annually. Principal and interest shall be payable at Austin, Travis County, Texas. All past due principal and interest shall bear interest at the rate of five per cent (5%) per annum. Failure to pay any installment of principal or interest shall, at the option of the State, mature the whole amount of said indebtedness.

Sec. 3. If the courts should hold that the Legislature may not grant an extension of time in which to pay said debts to those unable to pay in cash without granting the same extension upon like terms and conditions to those who are able to pay, then and in that event, it is the in-

tent and purpose of the Legislature in enacting this law that all debts due the State for bonus and rental money arising from the execution of any oil and gas lease under the provisions of the Relinquishment Act may be paid by the debtor executing the obligation as provided in Section 2 of this Act.

Sec. 4. Nothing in this Act shall ever be construed as releasing any lien that the State may now have to secure the indebtedness due the State after the same has been ascertained and determined and the obligation executed.

Sec. 5. No debtor, as the term debtor is used in this Act, may pay his debt to the State by the execution of the promissory note unless he does so within two (2) years from the date this Act becomes effective.

Sec. 6. No suit may be instituted or maintained by the State for the collection of any debt due the State for bonus and rental money because of the execution of any oil and gas lease under the provisions of the Relinquishment Act until the Land Commissioner has ascertained the amount of such debt and the debtor has had an opportunity to make the affidavit of inability to pay, as provided in Section 2 of this Act, or, if after having made such affidavit such debtor has failed to execute the obligation as provided in Section 2 of this Act within two (2) years from the date this Act becomes effective; and providing further that no suit may be instituted or maintained for the collection of any such debt found by the Land Commissioner to be due the State, or for any debt or alleged debt due the State for bonus and rental money under the Relinquishment Act, unless such suit is instituted within five (5) years from and after the date this Act becomes effective, but this limitation shall not apply to the obligation made to the State as provided in Section 2 of this Act, or to any suit for the collection of such debt where the State in its petition alleges that the affidavit of inability to pay made by the debtor is false or fraudulent.

Sec. 7. The terms and provisions of this Act shall not apply to any bonus money or any rental money derived from a lease on any section or part of a section of land producing oil or gas, or producing oil and gas, in commercial or paying quanti-

ties at the effective date of this Act, or to any indebtedness due the State which may accrue subsequent to the date this Act becomes effective, or to any debt due the State for oil and gas produced.

Sec. 8. If any section, clause, provision or sentence in this Act contained should ever be held to be unconstitutional, such holding shall not affect the remaining portions of this Act, it being the intent of the Legislature that effect shall be given to so much of this Act as may be valid, even if a portion of this Act shall be held invalid.

Sec. 9. The fact that the State does not now know the amounts due to it from transactions arising under the so-called Relinquishment Act, nor by whom such indebtedness is due, and the further fact that such indebtedness was inadvertently incurred, and because of the present economic stress and strain the debtors should be allowed time in which to pay this indebtedness, constitutes an emergency and an imperative public necessity that the constitutional rule that bills shall be read on three several days in each House shall be suspended, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 6, A bill to be entitled "An Act to regulate the granting of pipe lines right-of-way easements and easements or lease of sites for pumping stations, loading racks, and tank farms, and the terms thereof and the rates to be charged therefor, on and across public lands of Texas; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendment and be printed.

WOODRUFF, Chairman.

Committee Amendment No. 1.

Amend H. B. 6 Section 1, 3, 5, and 6 by changing the word "may" wherever it occurs to "shall."

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 188, A bill to be entitled "An Act providing that the owner of the surface or soil estate in land sold by the State with the mineral reservation may purchase the State's mineral estate in said land; defining terms 'Mineral Estate,' 'Owner,' 'Soil or Surface Estate,' 'Free Royalty;' etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do not pass, but that committee substitute bill submitted herewith, do pass and be printed.

WOODRUFF, Chairman.

C. S. S. B. No. 188.

A BILL

To Be Entitled

An Act providing that the owner of the surface or soil estate of lands sold by the State with a mineral reservation may purchase the State's reserved mineral estate in said lands, providing terms, conditions and regulations upon which said mineral estate shall be sold, and defining the terms, "Mineral Estate," "Owner," "Soil or Surface Estate," and "Free Royalty," and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Definitions.

(a) The term "mineral estate" as used in this Act includes only oil and natural gas that the State now owns in all lands heretofore or hereafter sold by the State with the reservation of minerals; and nothing in this Act is to be construed as including any valuable mineral-bearing deposits, placers, veins, lodes and rock-carrying metallic or nonmetallic substances of value other than oil and natural gas.

(b) The word "owner" as used in this Act means one or more persons who have heretofore or may hereafter purchase from the State, or may have acquired land, in the original sale of which by the State the State retained or reserved the mineral estate in whole or in part.

(c) The term "soil or surface es-

tate" as used in this Act includes every estate in the land except the mineral estate.

(d) The term "free royalty" as used in this Act means that part of the consideration for which the mineral estate is sold which is to be paid by a portion of the minerals produced, or the value thereof, from lands sold by the State with mineral reservations and which is to be received by the State free of any charge or expense.

Sec. 2. The owner of the soil or surface estate of any lands heretofore or hereafter sold by the State with a reservation of the minerals may purchase from the State the entire mineral estate in said land, at a price of one-tenth ($1/10$) of the price for which the State sold the soil or surface estate. In every sale of the mineral estate, in addition to the consideration of one-tenth of the price for which the State sold the soil or surface estate, the State shall receive a free royalty of one-sixteenth ($1/16$) of all minerals mined or otherwise produced from said land, or if there is at the time of the sale of the mineral estate a valid existing mineral lease upon the land, which calls for the payment of a greater royalty to the State than one-sixteenth ($1/16$), the State shall be entitled to receive such greater royalty so long as such lease remains in force and effect. When after the sale of the mineral estate, as in this Act provided, any lease upon the land existing at the time of the sale is terminated, the State shall as a part of the consideration be entitled to receive thereafter a free royalty of one-sixteenth ($1/16$) of all minerals mined or otherwise produced from said land. The State shall forever have a first and superior lien upon the entire mineral estate so sold to secure the payment to it of the free royalty herein provided.

Sec. 3. Where the owner of the soil or surface estate desires to purchase the State's mineral estate in his land, he and the State shall enter into a written contract, on a form to be prepared by the Attorney General. The Commissioner of the General Land Office shall execute said contract for and upon behalf of the State of Texas. The contract shall be executed in duplicate originals, one copy to be retained by the Commissioner of the General Land Of-

fice in the General Land Office, the other to be sent by the Land Commissioner to the clerk of the county in which the land is situated, together with a filing fee of One Dollar (\$1.00), which fee is to be paid by the purchaser, and upon receipt of such contract and the filing fee, it shall be the duty of the County Clerk to record in his office such contract, in a well bound book, to be kept and maintained by him for the purpose of recording such contracts. At the time the contract is made and entered into the purchaser shall pay one-fifth ($1/5$) of the purchase money and shall obligate and bind himself to pay to the State of Texas, at Austin, Texas, the remainder of the unpaid purchase money, in five (5) equal annual payments, together with interest on all deferred payments at the rate of four per cent (4%) per annum. The contract shall obligate the State, upon the payment by the purchaser of all the purchase money, together with all the interest, if any, due thereon, to execute and deliver to the purchaser or his legal heirs, representatives or assigns, a patent to such mineral estate upon the payment by the purchaser to the State of a patent fee of Two Dollars (\$2.00). The contract of purchase and the patent shall expressly provide that the State retains a first and superior lien upon the entire mineral estate for the payment of the free royalty as herein provided. The purchaser may pay the entire purchase price except the free royalty at any time he so desires, and shall thereupon be entitled to receive a patent to such mineral estate as herein provided; provided that no patent shall ever be granted to the mineral estate until all purchase money together with interest thereon has been paid for the soil or surface estate and patent issued for such soil or surface estate.

Sec. 4. If the purchaser of the mineral estate shall at any time become six (6) months in default in the payment of any installment of interest, the sale of the mineral estate shall be subject to forfeiture and the Commissioner of the General Land Office shall enter upon the wrapper containing the papers the words "Sale of mineral estate forfeited," or words of similar import, with the date of such action, and sign it officially, and thereupon the mineral estate and all payments made

thereon shall be forfeited to the State. In any case where mineral estate has been forfeited to the State for the non-payment of interest thereon, the purchaser may have his claim reinstated on his written request by paying into the Treasury the full amount of interest due on such sale up to the date of reinstatement. In all such cases the original obligations and penalties shall thereby become as binding as if no forfeiture had ever occurred. Nothing in this section shall inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture or to recover the full amount of principal and the interest due thereon and such penalties as may be due the State at the time such forfeiture occurred, or to protect any other right to such land.

Sec. 5. The importance of this legislation to the State and to the funds to which the mineral estate in lands sold by the State with a mineral reservation has been appropriated and belongs, in order that there may be an unhampered development of mineral resources of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills shall be read upon three several days in each house be suspended, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTY-SECOND DAY—Continued.

Senate Chamber,
Austin, Texas,
March 29, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 96.

The Chair laid before the Senate as pending business the following bill:

By Senator Holbrook:

S. B. No. 96, A bill to be entitled "An Act making appropriations for the support and maintenance of the State government for the two-year period beginning September 1, 1933, and ending August 31, 1935, and for other purposes; and prescribing certain regulations and restrictions in

respect thereto; and declaring an emergency."

The question recurred upon the pending amendment (by Senator Holbrook). The amendment was lost by the following vote:

Yeas—10.

Beck.	Martin.
DeBerry.	Neal.
Duggan.	Pace.
Holbrook.	Parr.
Hornsby.	Woodul.

Nays—14.

Elackert.	Redditt.
Collie.	Regan.
Cousins.	Russek.
Fellbaum.	Sanderford.
Murphy.	Small.
Oneal.	Stone.
Poage.	Woodward.

Absent.

Greer.	Purl.
Hopkins.	Rawlings.
Moore.	Woodruff.
Patton.	

Senator Holbrook sent up the following amendment:

Amend committee substitute for S. B. No. 96, page 45, by striking out the first paragraph on said page 45 and insert in lieu thereof the following:

"Provided that no salary shall be increased above the amount herein specified, except as may be otherwise provided. Provided further, that the respective amounts appropriated herein for traveling expenses of the several departments shall be the respective total amounts available for such purpose."

HOLBROOK.

The amendment was read and adopted.

Senator Collie moved to take up the bill, department by department, from the beginning of the bill. The motion prevailed.

Senator Woodul sent up the following amendment:

Amend S. B. No. 96, page 3, line 32, of said bill, by adding another section thereto to be known as:

Division of Cooperative Dam Building.

1. Chief of Division who shall be experienced in the construction of

dams by cooperative effort \$2400.00, \$2400.00.

2. Assistant Chief of Division \$1200.00, \$1200.00.

3. For the purchase of one auto truck and trailer upon which shall be installed an air compressor drill and other tools and appliances for determining a proper foundation for a water dam \$4800.00.

WOODUL.
MARTIN.

The amendment was read.

Senator Woodul withdrew the amendment.

Senator Collie sent up the following amendment:

Amend S. B. No. 96, line 57, page 3, Section 18, by substituting the words "One Supervisor" for the words "two supervisors," and change the figures \$3400.00 and \$3400.00 to read \$1700.00 and \$1700.00 in line 59, page 3, of the bill.

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Beck.	Redditt.
Cousins.	Regan.
Greer.	Russek.
Holbrook.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Nays—17.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	

Present—Not Voting.

Martin.

Absent.

Hopkins.

Messages From the House.

Hall of the House of Representatives.

Austin, Texas, March 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has refused to concur in Senate amendments to H. B. No. 490, by a vote of 45 yeas, 26 nays, and 60 present not voting, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Anderson of Bexar, Hughes, Parkhouse, Reader and Kayton.

The House has adopted the conference committee report on H. B. No. 376, by a vote of 116 yeas and 0 nays.

The House has adopted the following resolution:

H. C. R. No. 52, Authorizing the enrolling clerk of the House to correct the caption to H. B. No. 7.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on S. B. No. 421 by a vote of 113 yeas and 21 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 52.

The Chair laid before the Senate:

H. C. R. No. 52, Authorizing amendment of the caption of H. B. No. 7.

Read and adopted.

Free Conference Granted.

On motion of Senator Fellbaum, the Senate granted the request of the House for a free conference committee on H. B. No. 490.

The Chair appointed the following on the part of the Senate:

Senators Fellbaum, Purl, Holbrook, Regan and Redditt.

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Poage:

S. B. No. 486, A bill to be entitled "An Act amending Section 2, of

Chapter 17, House Bill 122, of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas, by re-defining the term loan broker so as to include all persons, firms and corporations lending money, except those engaged in the regular banking business or in business of making loans on real estate, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

S. C. R. No. 36.

Senator Woodward sent up the following resolution:

Whereas, Heretofore the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on S. P. 670-C, which called for certain road construction in Bell County, Texas; and,

Whereas, On opening such bids it was found that J. B. Dunlap, doing business under the name of J. B. Dunlap Company, was the lowest and best bidder and offered in his bid to do the work at a lower price than any other person or firm bidding on such project; and,

Whereas, Thereafter the State of Texas, acting through its Highway Commission, awarded the contract for the construction of said road to J. B. Dunlap, doing business under the trade name of J. B. Dunlap Company; and,

Whereas, Thereafter a supplemental contract was entered into between the State of Texas, acting by and through its Highway Commission and the said J. B. Dunlap, operating under the trade name of J. B. Dunlap Company, for the construction of some additional work known as S. P. 670-C supplemental; and,

Whereas, J. B. Dunlap did all the work called for in the plans and specifications under both contracts and after the completion of said work, filed a claim against the State of Texas with the Highway Commission, asserting that the State had not fully paid him for all the work done in connection with these two contracts; and,

Whereas, The State of Texas, acting by and through its Highway Commission, has failed to pay said claim or any part thereof and does not desire to pass on the questions involved in said claim, in many in-

stances being questions of fact which should be determined by the court or jury to the end that justice might obtain between the State and the contractor; and,

Whereas, Under the Constitution and laws of this State a suit cannot be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The Legislature desires to consent that the said J. B. Dunlap may bring a suit in one of the district courts of Travis County, Texas, on the above mentioned claims; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That permission be, and same is hereby granted to J. B. Dunlap to sue the State of Texas in one of the district courts of Travis County, on said claims and the Legislature of the State of Texas consents that such suit may be filed and maintained by J. B. Dunlap on the above mentioned claim in one of the district courts of Travis County, Texas. Be it further

Resolved, That should J. B. Dunlap recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas. Be it further

Resolved, That J. B. Dunlap shall give the necessary cost bond as in other civil suits and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed. Be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on said claim and that the State has consented to be sued by E. G. Powell in connection with the above mentioned claim.

WOODWARD.

Referred to Committee on State Highways and Motor Traffic.

S. C. R. No. 37.

Senator Woodward sent up the following resolution:

Whereas, On the first day of December, 1930, the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on S. P. 908-b, which called for the construction of the project covering certain excavation, grading and drainage structures on 12.855 miles of Highway No. 20, beginning at the west line of Gillespie County and extending eastward; and,

Whereas, On opening such bids, it was found that E. G. Powell was the lowest and best bidder and offered in his bid and proposal to do the work at a lower price than any other person or firm bidding on such project; and,

Whereas, Thereafter, the State of Texas, through its Highway Commission, awarded the contract for the construction of said road to E. G. Powell and entered into appropriate contract with said Powell to perform the work in accordance with the specifications which had been prepared by the Highway Department, and,

Whereas, E. G. Powell did all the work called for in the plans and specifications and after the completion of said work filed a claim against the State of Texas with the Highway Commission, asserting that the State had not fully and completely paid him for all the work done in connection with this project; and,

Whereas, The State of Texas, acting by and through its Highway Commission, has declined to pay said claim or any part thereof and does not desire to pass on the questions involved in this claim in many instances being questions of fact which should be determined by the court or jury to the end that justice might obtain between the State and the contractor; and,

Whereas, Under the Constitution and laws of this State a suit cannot be maintained against the State of Texas without the consent of the Legislature; and,

Whereas, the Legislature of Texas desires to consent that the said E. G. Powell might bring suit against the State of Texas in connection with the above project; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That permission be, and

same is hereby granted, to E. G. Powell to sue the State of Texas in one of the district courts of Travis County, Texas, on said claim and the Legislature of the State of Texas consents that such suit may be filed and maintained by E. G. Powell on the above mentioned claim in one of the district courts of Travis County, Texas. Be it further

Resolved, That should E. G. Powell recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas. Be it further

Resolved, That E. G. Powell shall give the necessary cost bond as in other civil suits and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed. Be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on said claim and that the State has consented to be sued by E. G. Powell in connection with the above mentioned claim.

WOODWARD.

Referred to Committee on State Highways and Motor Traffic.

S. C. R. No. 38.

Senator Fellbaum sent up the following resolution:

Whereas, The San Antonio State Hospital has not an available appropriation for the erection of a nurse's home and likely will have an appropriation for an additional ward building to be erected during the next biennium; and

Whereas, The hospital grounds are now so crowded with buildings and congested with patients that it is imperative that additional buildings be erected, and that the land available for suitable and economical expansion of the plant makes it necessary to purchase additional land adjoining the hospital grounds; and,

Whereas, The Chamber of Commerce of San Antonio has secured options to purchase the only available adjoining land and has offered

the same to the San Antonio State Hospital and the Board of Control; and.

Whereas, The San Antonio State Hospital has sufficient local funds impounded in the State Treasury to its credit to purchase and pay for said land; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Board of Control, the Governor, and the Attorney General be authorized and requested to enter negotiations and to purchase said land to be paid for out of the local funds of the San Antonio State Hospital at such prices as they may deem equitable and proper and to exercise the options furnished by the San Antonio Chamber of Commerce and other citizens.

FELLBAUM.

Read and referred to Committee on State Institutions and Departments.

Conference Report Adopted.

Senator Moore called up the free conference report on S. B. No. 421.

The report was adopted by the following vote:

Yeas—21.

Beck.	Purl.
Blackert.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—10.

Collie.	Murphy.
Cousins.	Oneal.
DeBerry.	Pace.
Holbrook.	Poage.
Martin.	Woodruff.

Conference Report Adopted.

Senator Regan called up the free conference committee report on S. C. R. No. 12.

The report was adopted.

Senate Bill No. 474.

The Chair laid before the Senate on its second reading by unanimous consent out of its regular order, the following bill:

By Senator Woodul:

S. B. No. 474. A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session, and as further amended by S. B. No. 153, Acts of the Regular Session of the Forty-third Legislature; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 474 was put on its third reading final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Nays—3.

DeBerry.	Woodruff.
Poage.	

Motion to Re-commit.

Senator Rawlings moved to re-commit S. B. No. 209 to the Com-

mittee on Criminal Jurisprudence for public hearing.

Recess.

Senator Hornsby moved to recess until 3 o'clock p. m.

Senator Patton moved to recess until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—9.

Blackert.	Russek.
Greer.	Sanderford.
Holbrook.	Small.
Hopkins.	Woodul.
Patton.	

Nays—17.

Collie.	Parr.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Stone.
Oneal.	Woodruff.
Pace.	

Absent.

Beck.	Neal.
Cousins.	Woodward.
Martin.	

Senator Holbrook moved to recess until 8 o'clock p. m. The motion was lost.

The motion to recess until 3 o'clock p. m., prevailed and at 12:43 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolution and bill:

H. C. R. No. 52.
H. B. No. 7.

At Ease.

By unanimous consent, the Senate stood at ease subject to the call of the Chair in order to permit the Committee on State Affairs to conclude its hearings.

Motion to Re-commit.

The question recurred upon the motion to re-commit S. B. No. 209.

Point of No Quorum.

Senator Fellbaum raised the point of order that a quorum was lacking. The roll call showed 21 present.

Senate Bill No. 209.

The question recurred on the motion to re-commit S. B. No. 209.

Senator DeBerry raised the point of order that this motion was out of order because the regular order of business was S. B. No. 96 and unanimous consent had not been given to take up the motion to re-commit.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senate Bill No. 96.

The question recurred upon the pending amendment to S. B. No. 96.

The amendment was lost by the following vote:

Yeas—12.

Collie.	Parr.
DeBerry.	Purl.
Moore.	Rawlings.
Murphy.	Small.
Oneal.	Stone.
Pace.	Woodward.

Nays—16.

Beck.	Martin.
Blackert.	Neal.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Holbrook.	Woodruff.
Hornsby.	Woodul.

Absent.

Hopkins.	Poage.
Patton.	

Senator Purl moved to pass over the Agricultural Department for the time being and not consider it until all other departments had been considered. The motion prevailed.

Senator Collie sent up the following amendment:

Amend S. B. No. 96, line 15, Section 13, page 5, by striking out the word "two" and substitute the word

"one" and change the figures "1296.00, \$1296.00" in line 16 of such section to the figures "\$540, \$540."

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Hornsby sent up the following amendment:

Amend bill in line 63, page 4, items 3 and 4 by striking out the words and figures "\$4000," and insert in lieu thereof "\$3600.00."

HORNSBY.

The amendment was read.

Senator DeBerry sent up the following substitute for the amendment:

Amend Committee Substitute S. B. No. 96 by striking out the figures "62,335.00" in each column and insert in lieu thereof the figures "54,800.00" in each column, items 3 and 4, page 5.

DeBERRY.

The substitute was read and adopted. The amendment as substituted was lost by the following vote:

Yeas—7.

Collie.	Murphy.
DeBerry.	Poage.
Hornsby.	Sanderford.
Moore.	

Nays—21.

Beck.	Purl.
Blackert.	Rawlings.
Cousins.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Small.
Martin.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Absent.

Duggan.	Neal.
Hopkins.	

Senator Collie sent up the following amendment:

Amend S. B. No. 96, line 15, page 5, Section 13, by striking out the figure "\$648.00" and insert in lieu thereof the figures "\$540.00," and by striking out the figures

"\$1296.00, \$1296.00" in line 16 of said section and insert in lieu thereof the figures "\$1080.00, \$1080.00."

COLLIE.

Read and lost.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 29, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 169 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Harman, Burns, Kayton, Hyder, and Stovall.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 29, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 791, A bill to be entitled "An Act amending Subsection 14, of Article 5421-c, of the Revised Civil Statutes of Texas, same being Acts, 1931, Forty-second Legislature, Second Called Session, page 64, Chapter 40, by providing that hereafter in all condemnation proceedings, the mineral rights of the condemned party shall be superior to the surface rights of the condemning party, and in the event of any conflict where it is necessary to drill any offset well, that the surface rights shall yield to the mineral rights, and the condemning party shall immediately remove any interference or hindrance therewith, and in the event of his failure to do so upon demand, the owner of the mineral rights shall have the right to do so, without liability; etc.; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 209.

Senator Rawlings asked unanimous consent to have S. B. No. 209 re-committed to the Committee on

Criminal Jurisprudence for public hearing.

Objection was heard.

Senator Rawlings moved to suspend the regular order of business in order for him to move to re-commit S. B. No. 209 to the Committee on Criminal Jurisprudence for public hearing.

Senator Woodward moved the previous question on the further consideration of the motion. The motion prevailed by the following vote:

Yeas—19.

Blackert.	Rawlings.
Collie.	Regan.
Cousins.	Russek.
Fellbaum.	Sanderford.
Greer.	Small.
Hopkins.	Stone.
Martin.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Nays—9.

Beck.	Murphy.
DeBerry.	Neal.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	

Absent.

Duggan.	Redditt.
Oneal.	

The motion to suspend the regular order prevailed by the following vote:

Yeas—19.

Blackert.	Rawlings.
Collie.	Regan.
Cousins.	Russek.
Greer.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Purl.	

Nays—9.

Beck.	Moore.
DeBerry.	Murphy.
Fellbaum.	Neal.
Holbrook.	Poage.
Hornsby.	

Absent.

Duggan.	Redditt.
Oneal.	

Senator Purl moved to reconsider the vote by which the motion prevailed.

Senator Rawlings raised the point of order that the motion to reconsider was out of order because the previous question had been ordered on the further consideration of the motion.

The Chair, President Pro Tem Walter Woodul, overruled the point of order, holding that the motion was in order but that it was subject to the previous question.

Adjournment.

Senator Poage moved to adjourn until 10 o'clock tomorrow morning.

Senator Russek moved to recess until 10 o'clock tomorrow morning.

The motion to adjourn prevailed, and at 6:20 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 12 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, March 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 421 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 203 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, March 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 474 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 34, Relative to compensation for damages resulting from personal injuries caused by the negligence of the Highway Department of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 222, A bill to be entitled "An Act amending Article 1499 and repealing Articles 1500, 1501, 1502 and 1506, Chapter 15, Title 32, Revised Civil Statutes of 1925 relating to the purpose for which private corporations may be formed; prohibiting a corporation, joint stock association, and association of persons engaged in the production of refining of crude petroleum from owning or owning stock or other interest in common carrier pipe lines or pipe line companies, and fixing a time for conforming to the provision of this Act, and declaring that the ownership of stock in common carrier pipe line by corporations, joint stock associations and associations of persons engaged in the production or refining of crude petroleum oil tends to create a monopoly and is in conflict with the anti-trust laws of this State and declaring same to be unlawful and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, March 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 280, A bill to be entitled

"An Act providing that when a necessity exists for the appointment of a receiver of an insurance company by any court of competent jurisdiction in this State, that it shall be the duty of such court to enter its order so finding and then to transfer the property and affairs of such insurance company to the Board of Insurance Commissioners of this State which shall act as liquidating agent in lieu of any other receiver for the purpose of administering the affairs of such insurance company; prescribing the powers and duties of the Board of Insurance Commissioners in connection with winding up and administering the affairs of such insurance company, and authorizing the Board of Insurance Commissioners to appoint necessary employees for that purpose; providing that the necessary expenses incurred in such liquidation shall be paid out of the assets of such insurance company; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

PURL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 280 at the end of Section 1, by adding the following: "providing, however, that no one except the Attorney General shall have authority to bring any suit for a receiver, an injunction, or otherwise, which will interfere with the conduct of the business of an insurance company doing business in this State."

Committee Amendment No. 2.

Amend S. B. No. 280 by amending the caption to conform to the body of the bill.

Committee Room,
Austin, Texas, March 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 186, A bill to be entitled "An Act to amend Article 4875a-3, Chapter 9-A, Title 78, Revised Civil Statutes of 1925, providing and permitting local mutual aid associations to operate in the State of Texas and

write business in territory embraced within one county, or to a territory embraced within a radius of one hundred (100) miles of the city or town of the association, including counties traversed by said radius or to all the counties adjoining that in which the home office is situated or where the home office of an association is located within less than one hundred (100) miles of border line of the State to a limited number of connecting counties whose total area does not exceed that allowed under the law to any other local mutual aid association of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PURL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 186 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Section 3 of Chapter 274, Acts of the Regular Session of the Forty-first Legislature be amended so as to hereafter read as follows:

"Sec. 3. **Territorial Limitation of Association.** No local mutual aid association shall be permitted to operate in this State except it confine its operations in the writing of business to a territory embraced within a radius of seventy-five (75) miles of the city or town of the association, including counties traversed by said radius, or to all the counties adjoining that in which the home office is situated, or where the home office of the association is located within less than seventy-five (75) miles of the border line of the State to a limited number of connecting counties whose total area does not exceed that allowed under the law to any other local mutual aid association of Texas."

"Sec. 2. The fact that under depressing conditions it is necessary that local mutual aid associations be granted additional territory in which to operate so as to enable them to keep up their membership and thus protect their policyholders, creates an emergency and a public necessity that the constitutional rule requiring

bills to be read on three several days in each House be suspended, and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted."

Committee Amendment No. 2.

Amend the caption of S. B. No. 186 to conform to the body of the bill as amended.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 230, A bill to be entitled "An Act to extend the jurisdiction of the Board of Insurance Commissioners of the State of Texas so as to provide for the regulation and management of all mutual assessment life insurance companies and associations now operating in the State of Texas on a State-wide plan; prescribing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

PURL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 230, Section 1, line 3, after the words "State-wide plan" and before the word "within" by inserting the following: "on January 1, 1933," and by striking out the word "now" in line 2, Section 1.

Also by striking out the word "now" in line 2, Section 10, and by adding after the words "State-wide plan" the following, "on January 1, 1933."

Also amend said bill by striking out the word "now" in Section 11, sub-section B, line 2, and by adding in the same sub-section, line 3, after the words "plan in this State" the following: "on January 1, 1933."

Also amend said bill, Section 12, line 4, by striking out the word "now" and by adding after the words "plan in this State," the following: "on January 1, 1933."

Also amend said bill, Section 12, paragraph 2, line 3, by striking out the word "now" and adding after the words "in this State" the following: "on January 1, 1933."

Committee Amendment No. 2.

Amend S. B. No. 230 by amending the caption to conform to the body of the bill.

Committee Room,
Austin, Texas, March 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 401, A bill to be entitled "An Act to amend Article 4686 of the Revised Civil Statutes of 1925 by prohibiting individuals, not otherwise expressly permitted by statute, to engage in the business of insuring others against insurable losses, providing that the Board of Insurance Commissioners shall be satisfied that any insurance carrier applying for a certificate of authority has in all respects complied with the laws of this State; providing that it shall be the duty of the Board of Insurance Commissioners to issue to such qualified carrier a certificate of authority under its seal, authorizing such carrier to transact an insurance business, naming the particular kinds of same, for a period of not more than twelve months, and such authority not to extend beyond the last day of February following the date of issuance of said certificate; defining the term 'carrier,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

PURL, Chairman.

Committee Amendment.

Amend S. B. No. 401 by striking out all below the enacting clause and inserting in lieu the following:

Section 1. That Article 4686 of the Revised Civil Statutes of Texas, 1925, be, and it is hereby amended so as to hereafter read as follows:

Article 4686. No individual, or group of individuals, unless, now or hereafter, otherwise permitted by statute, shall be permitted to engage in the business of insuring others against those losses which may be insured against under the laws of this State. Should the Board of Insurance Commissioners be satisfied that any insurance carrier applying

for a certificate of authority has in all respects fully complied with the law; and that if a stock company, its capital stock has been fully paid up, that it has the required amount of capital or surplus to policyholders; it shall be its duty to issue to such carrier a certificate of authority under its seal authorizing such carrier to transact insurance business, naming therein the particular kinds of insurance, for the period of not more than twelve months, and not extending beyond the last day of February next following the date of said certificate, unless the date is otherwise fixed by statute for the particular kind of insurance carrier.

Sec. 2. The word "carrier" as herein used is defined as that type of insurer which, in consideration of premium, issues policies to others insuring against those losses which may be insured against under the provisions of the law, including stock companies, mutual companies, reciprocals or inter-insurance exchanges, or Lloyds associations.

Sec. 3. The fact that there is now no law in this State prohibiting individuals from engaging in the insurance business, and no adequate law giving the Board of Insurance Commissioners express authority to exact full compliance with all the laws permitting and authorizing the various kinds of carriers engaged in the insurance business in Texas, and the fact that there is no provision of law for granting a license for a period of less than three months in the State of Texas, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three several days in each House, be suspended, and such rule is hereby suspended, and this bill shall take effect and be in full force and effect from and after its passage and approval, and it is so enacted.

Committee Room,
Austin, Texas, March 28, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 213, A bill to be entitled "An Act amending Articles 4896, 4897, 4898 and 4899, Chapter 10, Title 78, Revised Civil Statutes of 1925, authorizing the State Fire Marshal to make investigation of

fires and fraudulent attempts to collect money under fire insurance policies; prescribing method of investigation and the power and duties of the State Fire Marshal with reference thereto; authorizing him to summon and compel the attendance of witnesses and the production of books and papers; authorizing him to administer oaths, to prefer charges and to make arrests; authorizing public investigation of fires or private investigation in the discretion of the State Fire Marshal; authorizing the State Fire Marshal to make public results of investigations, and relieving the State Fire Marshal or his deputies or assistants of liability for disclosure of the results of such investigation; prohibiting the payment of a claim under a fire insurance policy while a fire is under investigation by the State Fire Marshal; authorizing the State Fire Marshal to inspect public properties for defects and conditions creating fire hazards, authorizing him to require the removal and correction thereof; requiring the compliance with his order and providing the procedure to compel a compliance; authorizing the appointment of deputies, affording the State Fire Marshal and his deputies the rights and immunities of the peace officers; providing that no action taken by the State Fire Marshal shall affect contractual rights under insurance policies, and making the results of his investigation admissible in evidence under the general rules and laws relative thereto in the trial of cases involving the losses investigated; providing a penalty for the violation and refusal to comply with the terms of this Act, naming the punishment therefor, requiring the county attorney to prosecute, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu thereof, and be printed.

PURL, Charman.

C. S. S. B. 213.

A BILL

To Be Entitled

An Act amending Articles 4896, 4897, 4898, 4899, Chapter 10, Title 78, Revised Civil Statutes of 1925; authorizing State Fire Mar-

shal to make investigation of fires, attempted fires and fraudulent attempts to collect money under fire insurance policies; prescribing the method, manner and extent of such investigations; empowering him to enter upon premises involved to make such investigations; authorizing him to summons and compel attendance of witnesses, the production of any books and documents; authorizing the State Fire Marshal to administer oaths and to take testimony and to make a record thereof, to prefer charges and make arrests; making it his duty to see to the prosecution of cases investigated; providing that investigations shall be public unless otherwise ordered by Fire Marshal and empowering the State Fire Marshal to withdraw testimony from public inspection but authorizing disclosure thereof in his discretion, relieving him from liability if he shall disclose same; prohibiting payment of claim under insurance policy pending investigation of fire, payment not to be delayed, however, from this cause alone for longer than four months; authorizing State Fire Marshal to enter all buildings and requiring him to enter mercantile, manufacturing, public buildings and places of public amusement and gathering for purpose of inspection and examination to discover defects, conditions and arrangements creating fire hazards; authorizing him to require removal and correction thereof; requiring compliance with his order; authorizing the appointment of deputies and providing for their authority and affording the Fire Marshal and his deputies rights and immunities of peace officers; providing that no action taken by the State Fire Marshal shall affect contractual rights of any policyholder or any company in respect to a fire so investigated and that no person shall be subjected to civil action for damages for requesting an investigation of any fire or for any statement made to the State Fire Marshal with respect to any fire under investigation; providing that any person at interest shall use such statements made by the State Fire Marshal or other evidence discovered or adduced by him in the trial of civil cases sub-

ject to the general rule of evidence; authorizing the State Fire Marshal to apply to court for orders or writs to enforce provisions of these articles, and providing any person failing to comply with provisions of this law shall be guilty of a misdemeanor and punished by fine not exceeding one hundred fifty (\$150.00) dollars, and making each separate failure or refusal on each separate day a separate offense; requiring the Fire Marshal to file complaints and requiring county attorneys to prosecute, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4896, Chapter 10, Title 78, of the Revised Civil Statutes of Texas of 1925, be and the same is hereby amended so as hereafter to contain two subdivisions, to read as follows:

Article 4896 (a) Duty of Fire Marshal. The State Fire Marshal shall, if in his discretion he deems it necessary, advisable, or advantageous, make an inquiry and investigation into every fire which destroys property, and of every effort or attempt to cause a destructive fire, and of every fraudulent attempt to collect money under a fire insurance policy, within this State, whether in an incorporated city or town or not. When said State Fire Marshal shall undertake such investigation, he shall inquire into the origin, cause and circumstances of such fire, or such effort to cause such fire. The State Fire Marshal shall have the power and authority to enter any building or premises within this State where a fire has occurred or where there has been an effort or attempt to cause a fire, during the progress of a fire or afterwards, for the purpose of such investigation; and the owner, occupant, tenant or custodian of any such building or premises shall permit him to enter the same at any time for the said purposes. The said State Fire Marshal shall have the authority to summons and compel the attendance of witnesses and of all persons who may have knowledge of any facts bearing upon the said fire or attempted fire, or who may have any knowledge in relation to the matter under investigation; he shall have the right to compel the production of any and all books, records, pa-

pers and documents of whatsoever kind or character that belong to any person or persons, including the insured, his or its agents or representatives, or of any insurance company, its agents or its representatives, that may have any connection with, bearing upon or relation to the fire under investigation, or may throw any light thereon.

The State Fire Marshal shall have the power to administer oaths, and to take testimony under oath, and he shall cause the testimony so taken to be reduced to writing and preserved as part of the record of his office. If he shall be of the opinion that there is sufficient evidence to charge any person or persons with the crime of arson, or attempt to commit arson, or conspiracy to defraud, or conspiracy to commit any offense, or any criminal conduct in connection with such fire, or effort or attempt to cause fire, he shall arrest or cause such person or persons to be arrested; and shall furnish to the proper prosecuting authority all evidence secured, together with the names of all witnesses and all other information obtained by him, including a copy of all documentary evidence and of all pertinent and material testimony taken in the case; and it shall be the duty of the State Fire Marshal to assist in the prosecution of all complaints filed by him. Furthermore, it shall be the duty of the State Fire Marshal, in any case where local authorities do not make proper presentation of such case to the grand jury having proper jurisdiction, to see that the said case is properly presented to the grand jury for its full consideration.

All investigations held by or under the direction of the State Fire Marshal shall be public, unless the said Fire Marshal shall in his discretion for good and sufficient reason direct that the same shall be private; and in any event, persons other than those required by him to be present for the purpose of giving evidence may be excluded from the place where the investigation is held and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined. Testimony taken in an investigation under the provisions of this Act may at the discretion of the State Fire Marshal be withheld from public inspection, or from inspection by any

person, or any corporation or its representatives; but in the event the said State Fire Marshal shall make public or disclose to any person whomsoever the evidence or the testimony taken in such investigation, or shall disclose the contents of any report made to him by any person, or by any one of his own assistants, or if he shall disclose the contents of any report which he shall himself make such disclosures shall be regarded as the publication of official information, and he shall not in any wise be liable or subject to suit for damages therefor.

Article 4896 (b) Insurance Payments Withheld Pending Investigation. No insurance company doing business in Texas and issuing policies insuring against loss by fire shall pay any loss claims under any of its policies so long as the Fire Marshal is investigating or causing an investigation to be made of any fire or any attempted fire in premises covered by such policy, if the said company shall be notified by the said Fire Marshal that he is making or causing an investigation to be made, and provided further that the payment of a loss shall not be delayed for this cause alone for a longer period than four months from the date on which the fire occurred.

Sec. 2. That Article 4897, Chapter 10, Title 78, of the Revised Civil Statutes of Texas of 1925, be and the same is hereby amended so as hereafter to read as follows:

Article 4897. Inspection of Public Buildings. The State Fire Marshal may, at his own discretion, or upon the complaint of any responsible person, during reasonable hours and for the purpose, but only for the purpose, of making a thorough inspection and examination thereof, enter into any and all buildings and premises within this State, and it shall be his duty to enter upon all mercantile, manufacturing and public buildings, and all places of public amusement, or where public gatherings are held, together with the premises belonging thereto. Whenever he shall find in any building or premises herein described, a want of repair or dilapidated condition, which may promote or cause fire, or when he shall find such buildings so situated as to endanger other buildings or property, so occupied that fire would endanger persons or property therein, and whenever he

shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any character or kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or dangerous arrangement of lighting systems or devices of any character or kind, or any unsafe electrical appliances or apparatus of any character or kind, or dangerous storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes and coals, or combustible, inflammable and refuse materials, or any other arrangements or other conditions which may be dangerous in character, or manner which may promote or cause fire, or create conditions dangerous to firemen or occupants, he shall issue, or cause to be issued, to the person or persons responsible for the condition complained of, a written order commanding that same be removed from the building or premises where located, or that the dangerous condition be remedied so that there will be no danger of fire arising therefrom, and such order must be complied with by the offending party or parties within the time specified by the State Fire Marshal in his written order.

Sec. 3. That Article 4898, Chapter 10, Title 78, of the Revised Civil Statutes of Texas of 1925, be and the same is hereby amended so as hereafter to read as follows:

Article 4898. Deputy State Fire Marshals. If for any reason the State Fire Marshal is unable to make any investigations in person which he is authorized to make under the provisions of this chapter, he may designate the fire marshal of any city or town or any other suitable person, wherever he may be resident, to act for him. Such persons so designated to act in place of the State Fire Marshal shall have the same authority in connection with the conduct of any investigation or inquiry as is herein given to the State Fire Marshal. The said State Fire Marshal and those duly authorized or commissioned by him to act in his stead, while engaged in the performance of their duties herein prescribed, shall occupy the status of peace officers, and have and enjoy all the rights, powers, privileges and immunities granted them under the provisions

of the civil and criminal codes of this State.

Sec. 4. That Article 4899 of the Revised Civil Statutes of Texas of 1925, be and the same is hereby amended so as hereafter to contain three subdivisions to read as follows:

Article 4899 (a) Investigation Not To Affect Contractual Rights. No action taken by the State Fire Marshal, or anyone acting under or by his authority, shall affect the rights of any policyholder or any company in respect to any loss by reason of a fire so investigated. In the event the State Fire Marshal shall see fit to disclose the statements or results of investigations made by him, any party to a suit growing out of a fire so investigated shall have the right to make use of statements taken by the State Fire Marshal, or any evidence discovered or adduced by him in the course of his investigations subject to the general laws and rules governing the introduction of evidence in the trial of cases. No statement made to the Fire Marshal or his deputies by any insurance company, its officers, agents or adjusters, or by any policyholder or anyone representing him, with reference to the origin, cause or supposed origin or cause of any fire, nor any request made by any insurance company, its officers, agents or adjusters, nor any policyholder or anyone representing him, direct to the State Fire Marshal asking that a fire be investigated, shall be made the basis of any civil action for damages.

Article 4899 (b). May Apply to Courts For Writs. The State Fire Marshal is hereby authorized, when necessary, to apply to a court of competent jurisdiction for the necessary writs or orders to enforce the provisions of this Act and in such case he shall not be required to give bond.

Article 4899 (c) Penalty For Violation. Any person or persons who shall refuse the State Fire Marshal admission to any building or premises when under the provisions of this law he is entitled thereto, or any person who shall fail or refuse to comply with the provisions of this law in any way, and any person who shall fail or refuse to answer a summons to appear and testify, or who shall fail or refuse to answer a summons or an order to produce books and records relevant to a matter under investigation by the Fire

Marshal hereunder, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred fifty (\$150.00) dollars; and each separate failure and refusal on a separate day shall constitute a separate offense. It shall be the duty of the State Fire Marshal to file complaints for violation of the provisions of this Act in any court of competent jurisdiction and the county attorney shall prosecute such complaints, which shall be cumulative of other methods of enforcement.

Sec. 5. The fact that fire losses have been mounting in Texas at an alarming rate in recent years, and that the State Fire Marshal has not heretofore been clothed with a sufficient amount of authority to make a full and complete investigation of the origin and cause of suspicious fires, or even of those of known incendiary origin, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 246, A bill to be entitled "An Act to amend Article 5368, Revised Civil Statutes, State of Texas, of 1925, so as to constitute the owner of the soil the agent of the State to institute and prosecute in his own name any suit or suits to set aside for fraud or other illegality or invalidity any sale or lease to any person, firm or corporation of the oil, gas or other minerals, on or under any such land, and to validate all suits, heretofore brought, for such purposes by the owner of the soil and authorize the continued prosecution to final judgment of any such suits in the name of said owner and to make the said judgments rendered in said causes binding upon the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass,

but that the committee substitute, together with the attached committee amendments hereto attached, do pass in lieu thereof, and be printed.

WOODWARD, Chairman.

Committee Amendment.

Amend S. B. No. 246 by substituting in lieu thereof the following:

A BILL

To Be Entitled

An Act to amend Article 5368, Revised Civil Statutes of the State of Texas of 1925, so as to authorize the county attorney in which said land is situated or the district attorney of the district in which the land is situated to institute and prosecute on the relation of the owner of the soil any suit or suits to set aside for fraud or other illegality or invalidity any sale or lease to any person, firm or corporation of the oil, gas or other minerals on or under such land and if on final judgment in any such suit any deed or lease theretofore made is set aside or annulled the owner of the soil is constituted agent of the State to re-sell said land or to execute another lease of same under the terms, provisions and limitations of this Article and of Article 5367, Revised Civil Statutes of Texas of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5368 of the Revised Civil Statutes of Texas of 1925 be amended so as to hereafter read as follows:

Article 5368. The owner of said land is hereby authorized to sell, or lease to any person, firm or corporation the oil and gas that may be thereon or therein upon such terms and conditions as such owner may deem best, subject only to the provisions hereof, and he may have a second lien thereon to secure the payment of any sum due him. All leases and sales so made shall be assignable. No oil or gas rights shall be sold or leased hereunder for less than ten cents per acre per year plus royalty, and the lessee or purchaser shall in every case pay the State ten cents per acre per year of sales and rentals; and in case of production shall pay the State the undivided one-sixteenth of the value of the oil and gas reserved herein, and like amounts to the owner of the

soil; in the event the owner of the soil of said land or his executor, administrator, or other legal representative shall represent to the county attorney of the county in which said land is situated, or the district attorney of the district in which said land is situated, that any deed to said land, or any part thereof, or any lease of same, or any part thereof, is invalid or illegal for any reason, or fraudulent, the said county attorney, or district attorney, shall make investigation of the facts and if, after such investigation, he determines that a suit, or suits, shall be brought to set aside, reform or construe any deed, or lease, or conveyance, of said land by the owner, or his predecessor in title, he is hereby authorized to and constituted the representative of the State to bring such suit, or suits, or other legal proceedings, as in his judgment may be necessary to set aside, reform or construe any such deed, lease or other conveyance in the district court of the county in which said land is situated. Said suit shall be brought in the name of the State on the relation of said owner of the soil or his executor, administrator, or other legal representative; and said county attorney, or district attorney, is hereby authorized to and constituted the representative of the State to bring any such suit or suits which, in his judgment, may be necessary for cancellation of any deed, lease or other conveyance, or any suit for damages for failure of lessee to comply with any of the terms or provisions of any such deed, lease, or other conveyance in the district court of the county in which said land is situated; provided, however, that all of the expense of prosecuting such suit, or suits, or other legal proceedings, including court costs and attorneys fees, shall be paid by the owner of the soil or his administrator, executor or other legal representatives, and the State shall in no event be liable for any of said expense. If the final judgment in any such suit or suits or other legal proceedings is to cancel, set aside, or annul any such deed, or lease, or other conveyance, the owner of the soil is hereby constituted the agent of the State to re-sell said land, or to execute another lease of same under the terms, provisions and limitations of this article and of

Article 5367 of the Revised Statutes of Texas of 1925. If and when the owner of the soil re-sells or re-leases said land ten (10%) per cent of the bonus accruing to the land owner by reason of any such sale or lease shall be paid to the county attorney or the district attorney as the case may be, as compensation for his services in instituting and prosecuting such suit or suits.

Sec. 2. The fact that the Supreme Court of Texas has held that the owner of the soil of said lands as such has no such interest in any deed, lease, or other conveyance thereof as would authorize said owner to institute and prosecute such suits, and the fact that it would be burdensome upon the owner of said land or his executors, administrators or other legal representatives to have suits to set aside, reform or annul deeds and leases of said land in Travis County, and the fact that it is an undue burden upon the State for the Attorney General and his assistants to bring these suits in remote portions from the capitol, and the fact that irreparable damage is frequently done to the owner of the soil and his executors, administrators, and other legal representatives because of illegal, invalid and fraudulent lease, and that such suits should be brought in the county where said land is situated, and by the officers of the county duly authorized to represent the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1.

Amend substitute for S. B. No. 246 by adding at the conclusion of Section 1 the following:

"Provided that none of the provisions of this Act shall apply in any case where the owner of the soil or his or her representative has already filed a suit to set aside or cancel any deed, lease, or other conveyance of the oil and gas and final judgment has been rendered in such suit prior to the date this Act becomes effective."

Committee Amendment.

Amend committee amendment No. 1 to substitute for S. B. No. 246, by adding at the end thereof the following:

"Provided further that none of the provisions of this Act shall apply to pending litigation."

Committee Amendment No. 2.

Amend committee substitute for S. B. No. 246 by adding after the word "situated," page 2, line 7, the following:

"Provided, however, no such suit shall be brought by any county or district attorney except by and with the consent and approval of the Attorney General," and by striking out all after the word "representative" in line 9, page 2, down to and including the word "situated" in line 15, page 2.

Committee Amendment.

Amend the caption of S. B. No. 246 by adding after the word "state" and before the word "and" in the last line thereof, the following: "and constituting the owner of the soil the agent of the State to re-sell or re-lease said land if the judgment of the court cancels or sets aside or annuls any previous deed or lease."

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 293, A bill to be entitled "An Act to permit any person, firm or corporation who is indebted to the State of Texas for bonus and rentals or bonus or rentals, or interest on deferred consideration on lands coming under the terms of Article 5367 to 5379, inclusive, of the Revised Civil Statutes of 1925, commonly known as the Relinquishment Act, to have credited on the indebtedness of such person, firm or corporation, any sums paid the State of Texas for which said person, firm or corporation received no consideration as set out in Section 1 of said Act, and to permit said person, firm or corporation to plead as offset in any suit by the State of Texas to recover bonus and rentals, such sums paid the State of Texas for which

they received no consideration as set out in Section 1 of said Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be printed.

WOODRUFF, Chairman.

Committee Amendment.

Add Section 1-a to S. B. No. 293, as follows:

"Section 1a. Such application to the commissioner shall be in writing and shall set forth particularly the fact or facts upon which the claim to offset is based and shall be sworn to by the applicant, his duly authorized agent or attorney, and shall be accompanied by such certified copies of instruments as are necessary to prove the rights to the offset claimed. No offset shall be allowed unless the Land Office records disclose such erroneous payment."

Committee Room,

Austin, Texas, March 29, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 340, A bill to be entitled "An Act amending Article 2688 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, House Bill No. 904, Chapter 357, General Laws of the Regular Session of the Forty-second Legislature (same likewise appearing printed as H. B. No. 904, Chapter 212, page 426, Special Laws of the Regular Session of the Forty-second Legislature) and as further amended by Acts 1932, House Bill No. 51, Chapter 21, pages 47 and 48, of the Third Called Session of the Forty-second Legislature, establishing the office of county superintendent of Public Instruction and providing that the commissioners court of every county which has three thousand (3000) scholastic population or more, as shown by the preceding scholastic census, shall, at the next general election after 1934, and likewise each four years thereafter, provide for the election of a county superintendent of public instruction to serve for a term of four (4) years, etc., and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached committee amendments.

NEAL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 340, Section 1 thereof, in the first line after the words "Article 2688," by inserting therein the following: "Title 49, Chapter 11."

Committee Amendment No. 2.

Amend S. B. No. 340, the caption thereof, in the first line after the words "Article 2688," by inserting therein the following: "Title 49, Chapter 11."

Committee Amendment No. 3.

Amend S. B. No. 340, Section 1, the second paragraph thereof after the words "this article," by striking out and eliminating the following language: "Provided, that in all counties having a population in excess of 350,000 inhabitants, according to the last available Federal census, the county superintendent of public instruction shall be appointed by the county board of education, and shall hold office for four (4) years from the date which falls on the same date of the next general election after 1934, and likewise appointed each four years thereafter, provided further that such officials holding such office coming within this provision prior thereto shall be permitted to continue in such office until their successor qualifies thereunder."

Committee Amendment No. 4.

Amend S. B. No. 340, the caption thereof, after the words "this article," by striking out and eliminating therefrom the following language: "providing that in all counties having a population in excess of 350,000 inhabitants, according to the last available Federal census, the county superintendent of public instruction shall be appointed by the county board of education, and shall hold office for four (4) years from the date which falls on the same date of the next general election after 1934, and likewise appointed each four years thereafter, and providing further that such officials holding

such office coming within this provision prior thereto shall be permitted to continue in such office until their successor qualifies hereunder."

Committee Room,
Austin, Texas, March 29, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred

S. C. R. No. 38, Relative to purchase of land for San Antonio State Hospital.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be adopted, and that it be printed.

PURL, Chairman.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
March 30, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Redditt.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix).

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of gen-

eral bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Duggan:

S. B. No. 487, A bill to be entitled "An Act defining 'warehouse-men' and 'warehouse,' names and words associated therewith; and providing for licensing and bonding of same and the manner of securing license and bond and exempting certain warehouses; and providing for the procedure thereof; defining the duties and liabilities of warehousemen; and providing for the Commissioner of Agriculture to supervise warehouses; and to approve forms of receipts, records and certificates, and providing for records to be kept, and for the inspection of same; for warehouse examiners with a general director thereof; for salaries and qualifications and for bonding of same and prescribing their duties; providing for warehouse-men to furnish an annual audit of reserve funds, assets and liabilities, and the manner of making same; providing for examination fees, fixing the amount of same and to whom payable; providing for the disposition of same to the State Treasurer in a special fund; providing for forced liquidation of insolvent warehousemen; providing for method of handling grain in excess of storage capacity; providing for forfeitures and penalties for violation of provisions of this Act and for violating certain provisions of Chapter 4, Title 93, Revised Civil Statutes of 1925; making failure to obey law a penal offense and fixing punishment therefor; providing for the interpretation of this Act; repealing Chapters 1, 2 and 3, Article 5661, and subsection 10, Article 5613, Chapter 4, Title 93 Revised Civil Statutes 1925, and any other laws in conflict with this Act, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Pace:

S. B. No. 488, A bill to be entitled "An Act to amend S. B. No. 54, Chapter 17, pages 262 to 265 inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of Texas approved March 25, 1918, which said Act was amendatory of Sections 12 and 16 of the Special Road Law for Smith County, Texas,